



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager  
(860)441-6630

**Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., John F. Scott, Paulann H. Sheets, James L. Streeter, and Elissa T. Wright.**

**Tuesday, August 22, 2006**

**7:00 PM**

**Town Hall Annex - Community Room 1**

#### **REGULAR MEETING**

#### **1. CALL TO ORDER**

*Mayor Watson called the meeting to order at 7:02 p.m.*

#### **2. ROLL CALL**

Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Wright  
Members Absent: Councilor Scott and Councilor Streeter

*Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent and Executive Assistant Nicki Bresnyan.*

#### **3. Calendar and Communications**

*Town Manager Oefinger noted that the Council will be receiving invitations to the 225th Anniversary of the Battle of Groton Heights.*

#### **4. UNFINISHED BUSINESS**

*None.*

#### **5. NEW BUSINESS**

##### **2006-0195 Citizen Committee on Property Tax Relief**

##### **RESOLUTION ESTABLISHING A COMMITTEE ON TAX RELIEF**

##### **Discussed**

*The Town Manager noted that the Council passed a resolution to establish a Citizen Committee on Property Tax Relief. However, upon further review of the statute, which gives the committee 60 days to come up with a report, and discussions with the Town Attorney, the Town Manager believes that the purpose of the Committee is to review a proposal rather than create one. The Town Manager has received calls from people who would like to serve on the Committee. The Council should identify the outer constraints of the proposal for the Citizen Committee to review.*

*Councilor Bond stated she would like to sit on the Committee. The Town Manager explained that the Committee is designed to provide a checks and balances for the Council's proposal so it would not be appropriate for a Councilor to sit on the Committee. Councilor Bond stated she would like to bring a proposal that she is working on to the Committee of the Whole for its consideration at a future date.*

*Councilor O'Beirne noted that few people take advantage of existing programs. He suggested that the other towns be surveyed to see how many people are actually using their programs. Discussion followed on why people do not take advantage of the programs. Councilor O'Beirne suggested it is because the deferred taxes, plus interest, are addressed by a lien against the property.*

*Councilor Scott arrived at 7:10 p.m.*

**Roll Call:** Members Present: Mayor Watson, Councilor Bartinik, Jr., Councilor Bond, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Scott, Councilor Sheets and Councilor Wright  
Members Absent: Councilor Streeter

**2006-0195 Citizen Committee on Property Tax Relief**

**Referred**

*Councilor Wright stated that a significant amount of research has been done and the Council could come up with a framework or template that doesn't bind the Citizen Committee's hands. Councilor Bond suggested that all Councilors put their thoughts together. She cited a humiliation factor of having to come before the Council at a televised meeting as a possible disincentive, as well as the interest rate.*

*The Town Manager suggested that Councilor Bond take the lead on this issue and that it be reviewed by the Finance Committee at the September 12th meeting, before being brought back to the Committee of the Whole.*

*Councilor Wright suggested that one policy to consider is the percentage of the real property tax assessment to be allowed as the cumulative revenue loss impact in any given year.*

*Mayor Watson asked staff to research the level of participation in other towns and he asked Councilors to forward suggestions and ideas to the Town Manager or Councilor Bond by September 1st. Councilor Kolnaski suggested that different age groups be represented on the Committee.*

**2006-0222 Elderly Tax Freeze Legislation**

**Referred**

*Town Manager Oefinger noted this is new legislation providing a different type of program for elderly tax relief. Councilor Wright asked John Philip to provide an overview of the program and how it would overlap or compliment other programs.*

*John Philip noted that this program is very similar to a program discontinued by the state a number of years ago. Mr. Philip reviewed the criteria for the new program. He noted that about 285 people currently receive a circuit breaker, the replacement program, where the lost revenue is reimbursed by the state. This new program would not be reimbursed and it would freeze eligible persons' taxes for as long as they are in the house.*

*Councilor Wright suggested sending this back to the Finance Committee for consideration. Councilor Sheets asked if this program could be considered by the Citizen Committee on Property Tax Relief. Councilor Wright noted that this program is authorized under a completely different statutory framework. Mr. Philip believes that the tax relief statute is fairly open-ended so he does not see a conflict. Mayor Watson asked that Mr. Philip check with other towns about the new program.*

*Councilor Sheets recognized Don Wood who cited the State's Constitution which states that all people are equal and no group should receive special privileges. The state legislature never had a right to authorize communities to offer special privileges. He noted the Constitution is the foundation and framework that overrides all statutes and local ordinances. If tax relief is offered to the elderly, it should be offered across the board. The median age for black Americans is 65 so a tax break at age 70 will do nothing for them. He noted the shifting of the tax burden from the elderly to other people. He concluded noting there is a clear ban on granting privileges in the State Constitution.*

**2006-0208 Revaluation Phase In**

**Discussed**

*of legislation do not appear to be in conflict and provide four or five alternatives for phase in. Mr. Philip noted that he can not suggest which alternative is beneficial to which group of people. The Town's existing software can not handle this type of program, so any change would require lead time and money for software upgrades.*

*Councilor Wright suggested that consideration of phase in be postponed until the Town is further along with the revaluation.*

*Councilor O'Beirne suggested there is an issue of fairness with a phase in. There will be winners and losers and that may not be able to be quantified. Councilor Wright feels the legislature has weighed those fairness issues and feels this is a viable option to mitigate steep increases in taxes. Other fairness issues have not been addressed such as assessments that increase, but taxes that go down.*

*Councilor Sheets asked Mr. Philip when the phase in issue must be decided and he stated November 1st since it will be a two to three month effort.*

*Councilor O'Beirne noted this is an option, not a mandate.*

**2006-0220      FYE 2008 Budget Discussion with RTM**

*Town Manager Oefinger stated he is looking for direction on these eight referrals that came out of the FYE 2007 budget discussions. He stated it would be helpful to receive guidance on these items over the next month.*

*Councilor Bond suggested that the people who requested the referrals or the committee chairmen provide an update on the referrals.*

**2006-0130      Community Human Service Needs**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0133      Budget Guidelines for FYE 2008**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0120      Town Wide Police Study**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0126      Police Department Staffing**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0131      Update on Ambulance Service Study Recommendations**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0116      Outside Agency Snow Removal**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0117      Outside Agency Fleet Maintenance**

*See discussion under 2006-0220 FYE 2008 Budget Discussion with RTM.*

**2006-0083      Copp Property Management**

**Referred**

*The Copp Board signed the modified Memorandum of Understanding (MOU) and Dave Winkler asked the Council to reconsider the Copp Property Master Plan. Councilor O'Beirne noted the modification to the MOU was made prior to the creation of the Groton Parks Foundation that now does all of the fundraising for the Copp Board. The agreement does not answer the previous concern of needing the Council's concurrence to make application for grant funds.*

*With respect to reconsidering the Master Plan, Councilor O'Beirne noted receipt of a written opinion from the Town Clerk stating that a matter cannot be reconsidered during a Council's term. Councilor Wright suggested that the principle of rescinding an action applies to affirmative actions only.*

*Town Manager Oefinger noted that the Groton Parks Foundation did exist when the modified MOU was written. And still, there is nothing that happens on the Copp Property unless the Copp Board and the Town Council agree. With respect to the concept plan, the Town Manager recalled that a number of Councilors stated that the concept of the Master Plan was a positive thing. In the absence of a plan, things will be proposed helter skelter. He encouraged the Council to continue the dialog with the Copp Board because it is mutually beneficial to have an overall plan. Councilor Sheets agreed, and noted that the vote failed because of the requirement for a minimum of 5 votes, even though it passed in Committee of the Whole. She suggested that having more Councilors present constitutes a different situation, or a substantially different resolution could be crafted, or we could wait for the next Town Council.*

*This item was referred to the Rules Committee.*

**2006-0132****Library Social Service Position****Discussed**

*A position at the Library was proposed for elimination in the FYE 2007 budget. The Council questioned the position and its placement in the Library as opposed to Human Services. The position has become vacant and the Director of the Library would like to fill this position with a more traditional librarian position. The Town Manager brought this information to the Council since there is a referral that was made during the budget process. Councilor Bartinik suggested that the position not be filled and be eliminated by attrition. Councilor Scott noted that the public spoke in favor of keeping this position and it should be replaced by a program developer, perhaps in the appropriate department. Town Manager Oefinger noted that the position was proposed for elimination to meet the zero dollar increase guideline, but ultimately the Council and RTM approved a very different budget. The focus of the previous position was more external rather than internal to the Library.*

*Councilor Bond expressed support for letting the Library Director hire the position he needs, and Councilor Kolnaski concurred. Councilor Sheets feels there is merit in Councilor's Bartinik's comments. The Town Manager noted the job description has not changed and the position is in the budget, therefore it does not need any Council approval. The issue is not whether or not to fill the position, the issue is to address the referral that has not been discussed since April. Councilor O'Beirne feels it would be appropriate for the Council to review vacant positions as early as possible if the issue is to keep manpower levels down.*

*A motion was made by Councilor Scott, seconded by Mayor Watson, to direct the Town Manager to recruit and hire a Program Developer.*

*The Town Manager asked the Council to hear from Alan Benkert before acting on this alternative, since it is not what Mr. Benkert is recommending. Councilor Wright expressed support for reviewing overall vacancies. The Town Manager stated it would be chaotic to bring every vacant position to the Council and that is not the Council's role. If the Council wants to give the Town Manager budget guidance that would cause him to look at vacant positions, then he will do that.*

*Councilor Scott withdrew his motion so that Alan Benkert can address the Committee on September 12th. Councilor Kolnaski expressed support for letting the Town Manager fill positions as he sees fit.*

**2006-0233****Mystic Woods Development****Recommended for a Resolution**

Town Manager Oefinger provided a brief history on this pending application. The proposal has been classified as a complex application by the Inland Wetlands Agency and they have hired an outside consultant to review the application. Information regarding the Environmental Review Team (ERT) was distributed to the Council. An ERT review is generally requested by the agency that is reviewing the application, especially at this stage of the review. The next step for this project is special permit approval by the Zoning Commission, followed by site plan review by the Planning Commission. The Town Manager distributed a letter from Attorney Harry Heller, representing the developer, who has indicated that they are willing to have an ERT review done as part of the special permit or site plan process (a developer/property owner must give permission for an ERT review), although they do not want the process delayed. The Town Manager anticipates changes to the proposal if it is approved by the Inland Wetlands Agency and those changes will need to be incorporated into the plans. The current plans are available for review in Planning and Development Services.

Councilor Sheets suggested that a hydrologist should be hired to review the application, which the ERT could provide. She stated that lines should not be drawn between the Council and the land use agencies when it comes to managing the Town's resources and it may be time to act more proactively to protect those resources.

The Town Manager explained that the ERT timeframe is a minimum of three months. Although the Council may want the information, the process with the Inland Wetlands Agency has already started and they are constrained by statutory time limits. Although there are wetlands on the site, the primary concern of the Agency is the impact of runoff. The Town Manager stated that he has faith in the land use agencies. Access on Fort Hill Road is also a concern that will need to be studied and will be reviewed by the Planning Commission.

Councilor Bartinik asked for the Town Manager's opinion. Mr. Oefinger noted the applicant has agreed to a review during the special permit or site plan process. If the Council goes ahead and requests an ERT review, it could alienate one or more of the land use agencies. The reviewing agencies are in the best position to request an ERT review and that would be the most effective way.

Councilor Bond asked how the Council assures that the public is allowed to speak and asked why the Inland Wetlands Agency is not willing to hold their decision until the ERT review is completed. Town Manager Oefinger stated that when the public hearing was first opened, the applicant did make a lengthy presentation, but a number of people from the public also spoke, and the hearing is still open. The land use agencies allow for full public participation during the public hearing process.

The Town Manager suggested that the best course of action would be for the Town Council to communicate its desire to the Chairman of the Zoning Commission.

Mayor Watson cited a point of order, noting that the Council at its last meeting voted not to request an ERT review for this project and someone from the presiding side would have to revisit the issue.

Councilor Wright recognized Wendy McFarland who provided copies of the project plans to Councilors Wright and Sheets. She stated she is interested in having an ERT review at the Inland Wetlands Agency stage. She stated the file is incomplete and the consultant's report is not included. There is too much information for the Agency to digest. Nick Bellantoni the State Archaeologist would support an ERT to look for Indian artifacts. It will be too late for an ERT review at the planning stage. Ms. McFarland would be willing to pay more to preserve the beautiful areas in town.

*Councilor Sheets addressed the point of order and suggested that a vote be taken to request an ERT. Councilor Bartinik stated he could support encouraging the Inland Wetlands Agency to request an ERT review, but leaving the decision up to them so as not to alienate them. Councilor O'Beirne stated he is wary of jumping into the middle of the Inland Wetlands Agency's process. He feels it is reasonable for the Town Council to request an ERT review and make it available to the Zoning Commission or Planning Commission, since the land use agencies work under timeframes that might not work with the ERT schedule.*

**2006-0233 Mystic Woods Development**

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Wright, to reconsider the resolution directing the Mayor to request an ERT review of the Mystic Woods development proposal.

Councilor Sheets suggested that the Council may want to consider this for other parts of Town.

The motion carried by the following vote:

**Votes:** In Favor: 5 - Councilor Bartinik, Jr., Councilor Bond, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Wright  
Opposed: 2 - Mayor Watson and Councilor Scott  
Abstain: 1 - Councilor Kolnaski

**2006-0233 Mystic Woods Development**

A motion was made by Councilor O'Beirne, Jr., seconded by Councilor Sheets, to direct the Mayor to request an ERT review of the Mystic Woods development proposal as soon as possible

Councilor Kolnaski feels this request should come from the Inland Wetlands Agency. Town Manager Oefinger feels the request should come from a reviewing agency, but this is an innovative compromise. Councilor Bond recognized Rachel Jasenak of 81 Hemlock Road who asked a number of questions including: What other towns do when an ERT is requested? What is the point of requesting an ERT review when the developer is putting stipulations on it? Why doesn't the Inland Wetlands Agency want an ERT review? Why does the builder drive the process? Councilor Sheets noted that state statutes prescribe time limits. Town Manager Oefinger stated that if the Inland Wetlands Agency feels they are not getting the information they need, they will take the appropriate action. Ms. Jasenak noted the lack of information provided to the public.

Councilor Scott feels that the Council has delegated its authority in these matters to the appointed boards and commissions. He feels it would set a bad precedent if the Town Council intercedes.

The motion carried by the following vote:

**Votes:** In Favor: 5 - Councilor Bartinik, Jr., Councilor Bond, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Wright  
Opposed: 3 - Mayor Watson, Councilor Kolnaski and Councilor Scott

**2006-0233 Mystic Woods Development**

**Discussed**

*Discussion followed on the timing of the request, relative to passing the resolution at the September 5th Town Council meeting.*

*The Committee recessed at 8:52 p.m. and reconvened at 9:03 p.m.*

**2006-0232 Repeal of Ambro Amendment**

**Discussed**

*Town Manager Oefinger noted a renewed effort to bring this issue back to Congress. Bill Spicer is actively involved in the marina industry and he is trying to garner support for appeal of the amendment. Mr. Spicer would be happy to address the Council on the Ambro Amendment, which penalizes Connecticut interests. Connecticut is held to a higher standard than surrounding states with respect to dredging. Councilor Sheets indicated she will research the legislation and issue. The Committee asked staff to invite Mr. Spicer to speak at the September 12th meeting.*

**2006-0198 Town Manager Annual Evaluation**

**Discussed**

*Mayor Watson distributed the form used in the past to evaluate the Town Manager.*

**6. Consideration of Committee Referral Items as per Town Council Referral List**

**2005-0298 Potential Land Sale (Mencer)**

**Recommended for Deletion**

**2006-0165 City Planning Services**

**Recommended for Deletion**

**2006-0185 Pumpout Boat Program - Update**

**Recommended for Deletion**

**7. OTHER BUSINESS**

*None.*

**8. ADJOURNMENT**

*A motion was made by Councilor Bond, seconded by Councilor Sheets, to adjourn the meeting at 9:55 p.m.*

*The motion carried unanimously.*